

104TH CONGRESS  
1ST SESSION

# S. 982

To protect the national information infrastructure, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 29 (legislative day, JUNE 19), 1995

Mr. KYL (for himself, Mr. LEAHY, and Mr. GRASSLEY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To protect the national information infrastructure, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Information  
5 Infrastructure Protection Act of 1995”.

6 **SEC. 2. COMPUTER CRIME.**

7 Section 1030 of title 18, United States Code, is  
8 amended—

9 (1) in subsection (a)—

10 (A) in paragraph (1)—

1 (i) by striking “knowingly accesses”  
2 and inserting “having knowingly accessed”;

3 (ii) by striking “exceeds” and insert-  
4 ing “exceeding”;

5 (iii) by striking “obtains information”  
6 and inserting “having obtained informa-  
7 tion”;

8 (iv) by striking “the intent or”;

9 (v) by striking “is to be used” and in-  
10 sserting “could be used”; and

11 (vi) by inserting before the semicolon  
12 at the end the following: “willfully commu-  
13 nicates, delivers, transmits, or causes to be  
14 communicated, delivered, or transmitted,  
15 or attempts to communicate, deliver, trans-  
16 mit or cause to be communicated, deliv-  
17 ered, or transmitted the same to any per-  
18 son not entitled to receive it, or willfully  
19 retains the same and fails to deliver it to  
20 the officer or employee of the United  
21 States entitled to receive it”;

22 (B) in paragraph (2)—

23 (i) by striking “obtains information”  
24 and inserting “obtains—

25 “(A) information”; and

1 (ii) by adding at the end the follow-  
2 ing:

3 “(B) information from any department or  
4 agency of the United States; or

5 “(C) information from any protected com-  
6 puter if the conduct involved an interstate or  
7 foreign communication;”;

8 (C) in paragraph (3)—

9 (i) by striking “the use of the Govern-  
10 ment’s operation of such computer” and  
11 inserting “that use by or for the Govern-  
12 ment of the United States”; and

13 (ii) by striking “adversely”;

14 (D) in paragraph (4)—

15 (i) by striking “Federal interest” and  
16 inserting “protected”; and

17 (ii) by inserting before the semicolon  
18 the following: “and the value of such use  
19 is not more than \$5,000 in any 1-year pe-  
20 riod”;

21 (E) by amending paragraph (5) to read as  
22 follows:

23 “(5)(A) knowingly causes the transmission of a  
24 program, information, code, or command, and as a

1 result of such conduct, intentionally causes damage  
2 without authorization, to a protected computer;

3 “(B) intentionally accesses a protected com-  
4 puter without authorization, and as a result of such  
5 conduct, recklessly causes damage; or

6 “(C) intentionally accesses a protected com-  
7 puter without authorization, and as a result of such  
8 conduct, causes damage;”; and

9 (F) by inserting after paragraph (6) the  
10 following new paragraph:

11 “(7) with intent to extort from any person,  
12 firm, association, educational institution, financial  
13 institution, government entity, or other legal entity,  
14 any money or other thing of value, transmits in  
15 interstate or foreign commerce any communication  
16 containing any threat to cause damage to a pro-  
17 tected computer;”;

18 (2) in subsection (c)—

19 (A) in paragraph (1), by striking “such  
20 subsection” each place it appears and inserting  
21 “this section”;

22 (B) in paragraph (2)—

23 (i) in subparagraph (A)—

24 (I) by inserting “, (a)(5)(C),”  
25 after “(a)(3)”; and

1 (II) by striking “such sub-  
2 section” and inserting “this section”;

3 (ii) by redesignating subparagraph  
4 (B) as subparagraph (C);

5 (iii) by inserting immediately after  
6 subparagraph (A) the following:

7 “(B) a fine under this title or imprison-  
8 ment for not more than 5 years, or both, in the  
9 case of an offense under subsection (a)(2), if—

10 “(i) the offense was committed for  
11 purposes of commercial advantage or pri-  
12 vate financial gain;

13 “(ii) the offense was committed in  
14 furtherance of any criminal or tortious act  
15 in violation of the Constitution or laws of  
16 the United States or of any State; or

17 “(iii) the value of the information ob-  
18 tained exceeds \$5,000;”; and

19 (iv) in subparagraph (C) (as redesign-  
20 ated), by striking “such subsection” and  
21 inserting “this section”;

22 (C) in paragraph (3)—

23 (i) in subparagraph (A)—

1 (I) by striking “(a)(4) or  
 2 (a)(5)(A)” and inserting “(a)(4),  
 3 (a)(5)(A), (a)(5)(B), or (a)(7)”; and

4 (II) by striking “such sub-  
 5 section” and inserting “this section”;  
 6 and

7 (ii) in subparagraph (B)—

8 (I) by striking “(a)(4) or (a)(5)”  
 9 and inserting “(a)(4), (a)(5)(A),  
 10 (a)(5)(B), (a)(5)(C), or (a)(7)”; and

11 (II) by striking “such sub-  
 12 section” and inserting “this section”;  
 13 and

14 (D) by striking paragraph (4);

15 (3) in subsection (d), by inserting “subsections  
 16 (a)(2)(A), (a)(2)(B), (a)(3), (a)(4), (a)(5), and  
 17 (a)(6) of” before “this section.”;

18 (4) in subsection (e)—

19 (A) in paragraph (2)—

20 (i) by striking “Federal interest” and  
 21 inserting “protected”;

22 (ii) in subparagraph (A), by striking  
 23 “the use of the financial institution’s oper-  
 24 ation or the Government’s operation of  
 25 such computer” and inserting “that use by

1 or for the financial institution or the Gov-  
2 ernment”; and

3 (iii) by amending subparagraph (B) to  
4 read as follows:

5 “(B) which is used in interstate or foreign  
6 commerce or communication;”;

7 (B) in paragraph (6), by striking “and”  
8 the last place it appears;

9 (C) by striking the period at the end of  
10 paragraph (7) and inserting “; and”; and

11 (D) by adding at the end the following new  
12 paragraphs:

13 “(8) the term ‘damage’ means any impairment  
14 to the integrity or availability of data, a program, a  
15 system, or information, that—

16 “(A) causes loss aggregating at least  
17 \$5,000 in value during any 1-year period to one  
18 or more individuals;

19 “(B) modifies or impairs, or potentially  
20 modifies or impairs, the medical examination,  
21 diagnosis, treatment, or care of one or more in-  
22 dividuals;

23 “(C) causes physical injury to any person;  
24 or

25 “(D) threatens public health or safety; and

1 “(9) the term ‘government entity’ includes the  
2 Government of the United States, any State or polit-  
3 ical subdivision of the United States, any foreign  
4 country, and any state, province, municipality, or  
5 other political subdivision of a foreign country.”; and

6 (5) in subsection (g)—

7 (A) by striking “, other than a violation of  
8 subsection (a)(5)(B),”; and

9 (B) by striking “of any subsection other  
10 than subsection (a)(5)(A)(ii)(II)(bb) or  
11 (a)(5)(B)(ii)(II)(bb)” and inserting “involving  
12 damage as defined in subsection (e)(8)(A)”.

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